

COMMISSIONER FOR PATENTS UNITED STATES PATENT AND TRADEMARK OFFICE P.O. BOX 1450 ALEXANDRIA, VA 22313-1450 www.uspto.gov

JENNIFER H. HAMILTON THD ECLIPSE GROUP SUITE 300 10605 BALBOA BOULEVARD GRANADA HILLS, CA 91344

In re Application of Paul A. Underbrink et al.

PCT Application No.: PCT/US2004/028926

U.S. Application No.: 10/570.833 Int. Filing Date: 02 September 2004 Priority Date: 02 September 2003

Atty Docket No.: ST02042USU2 (281-US-U2)

For: SIGNAL PROCESSING SYSTEM FOR

SATELLITE POSITIONING SIGNALS

**DECISION** 

**UNDER** 

37 CFR 1.47(a)

This communication is issued in response to applicants' "Petition To Withdraw Holding of Abandonment," filed on 20 September 2007, which is being treated under 37 CFR 1.181.

## **BACKGROUND**

On 02 September 2004, Applicant filed international application PCT/US2004/028926 which claimed priority of an earlier United States application filed 02 September 2003.

The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 02 March 2006.

On 01 March 2006, Applicant filed national stage papers with the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, inter alia, the basic national fee required by 35 U.S.C. 371( c)(1).

On 31 August 2006, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 02 April 2007, Applicant sent in petition for extension of time and response to the Notification of Missing Requirements.

On 20 August 2007, the DO/EO/US mailed a Notification of Abandonment.

On 20 August 2007, the DO/EO/US mailed Notice of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1,495.

On 20 September 2007, Applicant filed the instant petition under 37 CFR 1.181.

## **DISCUSSION**

A review of the application file reveals that the reply filed 02 April 2007 is present. The declaration executed by Nicholas Vantalon is proper. However, the reply filed 02 April 2007 is nevertheless defective for the following reasons. First, inventor Robert Tso is not listed as an inventor on two of the declarations. Second, one of the declarations is an improper composite declaration created by assembling pages (i.e. signature pages) from different documents into a single declaration. Third, the signature of inventor Chittharanjan Dasannacharya does not appear on any of the declarations, and an appropriate petition under 37 CFR 1.47(a) did not accompany the 02 April 2007 submission.

Because the 02 April 2007 submission was deficient for the reasons above, the Notice of Acceptance was sent in error.

## CONCLUSION

For the reasons above, the petition under 37 CFR 1.181 is GRANTED.

The notification of Abandonment (Form PCT/DO/EO/909) mailed 20 August 2007 is hereby <u>VACATED</u>.

The Notice of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903) mailed 20 August 2007 is hereby  $\underline{VACATED}$ .

This application is being forwarded to the United Stats Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Defective Response (Form PCT/ DO/EO/916), which should indicate that the reply filed 02 April 2007 is deficient for the reasons set forth above.

Nini F. Legesse PCT Detailee

Office of PCT Legal Administration

Bryan Lin

PCT Legal Examiner

Office of PCT Legal Administration